PRELIMINARY DRAFT

STREAMSIDE PROTECTION
Part I: The Science of Setbacks

Public Forum – April 23, 2008

SMALL GROUP PARTICIPANTS' FEEDBACK

Question #1: **What struck you most about the presentations you heard?**

- How important the riparian area is and how wide/large it can be (i.e. ice gorge)
- How critical health of riparian is
- Looking at variable setbacks due to riparian
- Interconnectedness of surface and ground water
- Importance of interconnections
- Interconnectedness of tributaries and river bottom
- What happens in one place affects others—connection between ground and surface water
- Connection between surface water–ground water septic systems
- Everything is connected to everything else.
- DEQ and interconnectedness of rivers and land use
- Interconnectedness of rivers themselves
- Large turnout—a lot of interest, good education
- How much impact the wildlife experiences in the "meander belt;" Concern about impacts in the meander belt area
- Impressed with level of interest to keep MT water part of our last best place
- No one wants to harm our water resources but we need more information on the Madison specifically. Need to know impacts on property rights.
- Technical understanding of watershed functions but we need more specifics for the Madison. We need to look at our current regs. (zoning) and tools in the growth policy.
- Good presentations, erosion during high flows, need more specific studies on the Madison—case studies from other areas after setbacks. Look to individual setbacks More information needed on the Madison River
- Science on the Madison River is lacking
- Lack specific science for Madison River
- Good presentations
- Difference in river types
- Lack of impairments on the Madison
- Between Quake Lake and Ennis Lake there's no impairment on main Madison
- River system includes the entire riparian system
- Diversity of river bottom on the Madison
- Diversity of river and riparian complicating setback process
- One setback doesn't fit for every stream; science doesn't support the requirements of the proposed ordinance (2)
- One size setback doesn't fit all (2)

- Most impairments related to agriculture *
- Number of intangible effects on streamside.
- Stability of Madison channel
- River system is dynamic and changes from upstream to downstream. Look to keep it as natural as possible.
- Difference between Madison & Yellowstone because of dam and flooding
- Our 100 year floodplain probably determined by winter icing
- Relationship to ranching and agriculture production, concern regarding property rights.
- Amazing how big a project it can be to do collaborative work on streams
- Didn't talk about ice gorging.
- The discussion of flooding time—9 hours. (2)
- Changes the river can make; always changing. Complexity of issues; no simple answers
- Picture of 4 Corners on the Madison—I don't want to see it.
- We've messed up in the past, leaned how to rectify it)partly); how precious riparian areas are (2)
- Can learn from other's mistakes
- More information/explanation re. Quake Lake
- Numbers from PPL/values river provides
- Round up 100 year flood info/data
- If nothing is done we end up like the Gallatin
- Lack of ability to control cattle
- Which Cherry Creek

<u>Question #2</u>: From the scientific information that you heard, do you feel there is a compelling reason for setbacks? Yes or No? Why?

YES –

- Human activity within riparian zones may have impacts on a number of values (biologic, social) that may impair the river—e.g. sediment, loss of wildlife/fish habitat, nutrients, water temperature
- Riparian area and the surrounding area and underground water are all connected to the river. It's imperative that we protect it. We need stream setbacks on the Madison—to protect our health, our land and maintain a healthy environment.
- Preservation of riparian area
- If we are to maintain the quality of the river we have and accommodate the many uses.
- To defend the over-looked streams and tributaries
- To protect water quality before it deteriorates.
- Definitely. The science does consistently show that setbacks provide for protection of the riparian areas which are imperative for healthy streambanks, clean water quality, wildlife habitat, good agricultural practice and recreational use according to the specific area.

- Human activities can and often to impair waterways. We need to manage our streamsides as best we can to protect the valley and upland natural resources and to protect community rights.
- Ruining one link affects more than that link. (interconnectedness, affects on others)
- Yes, to protect all the valuable assets connected with natural riparian areas. Grandfather existing property owners.
- To provide a buffer for nature and people to optimize quality of life for both
- Setbacks should become law depending upon the locations a buffer of at least 50-100'—much further back in certain areas—250-500'—of course some ranchers and BLM's will be universally grand fathered…
- The record of rivers not employing setbacks is horrible and a catastrophe
- People building on floodplains put themselves and their improvements at risk.
- Prevent catastrophic loss of property
- Flooding—no one should build in the floodplain. But doesn't happen in Madison…main channel
- Avoidance of "trashing" during flooding;
- Stream setbacks are universally beneficial. Which benefits are provided depends on the type of system and riparian area.
- Protection of public resources that drive tourism and for ecological resources; protection of private property and values.
- To provide for clear expectations for human activities. This will probably need to allow for grandfathering and the difference in microclimates.
- We need to keep development limited near the river and streams to prevent sediment, chemicals, etc. from getting in our water; provide buffer for filtration
- Due to wells, septics, riparian quality, viewshed
- We need to preserve this land for future generations
- Cheaper to protect than try to repair, replace, fix
- Setbacks should be the same. Yes, would protect the banks of rivers—the river itself. Stop drainage from septics; no runoff or fertilizers; and other chemicals
- Because the riparian area next to the river is so vital to the protection of water quality and plant and animal habitat.
- Because of the concept that the river is more than where the water goes, River Corridors
- We want to save rivers.
- Let's keep the land as pristine as possible.
- Yes! I don't know how else we cab protect the rivers and creeks, their water quality, fish and riparian natural areas. No setbacks crease the disasters of old—flooding, etc.
- To provide sustainable water health.
- How else can these precious areas be protected?
- Can't afford to throw up our hands; voluntary protection/compliance only goes so far and for those who do want to protect voluntarily they need a guide
- It is past time that stream protection should be implemented—however "one size" should not govern all conditions.
- Depending on the physical aspects of the area; setbacks should vary

- Environmental stability
- Yes but:
    - One size doesn't fit all. In the riparian area in order to reduce direct impairment. Floodplain area doesn't necessarily apply, as there is no flooding in the river area.
    - Should be per parcel of land and area of river. [Category: site-specific]
    - Not on homes already built. Understand they may not be rebuilt if destroyed.
    - Against limiting rebuild and variance needs to be addressed
    - The degree has to be looked at more—100-200-500'--needs more study. Think about your neighbor both up and down stream—remember you are also a neighbor to someone else.
    - Scientifically, yes, but how do you take the "personal" landowners side? The process of a river is convincing enough.
    - I heard no scientific data about the Madison, only Yellowstone –out east and rivers unlike the Madison. I se no scientific data to make me want more than 50'setbacks.
    - How much? I have not idea how you will allow for the complexity and variability of scientific factors
    - Some. I do not see a need for 500' setbacks anywhere on the Madison or its tributaries with current DEQ specs and River health.
    - I believe some setbacks may be necessary. One must look at impact. Zoning may be better along with a "reasonable setback." Don't forget property rights of existing properties.
    - Yes for future development, but setback distances should be determined based on science, uses, etc.
    - The setbacks need to be tailored to the river and protection needs.
    - Public policy should be determined by "best science" not reactive one size fits all
    - Yes but zoning rather than one ordinance for all live water is a better system. ???
    - Differentiate between rivers and streams

NO—

- Not a blanket regulation. Property rights need to be respected. Common sense and the DEQ will take care of this on a one by one basis.
- While I believe setbacks may be a tool that can be used, I did not hear enough "local" information to convince me that they are necessary.
- No, for setbacks should include flood zones.
- Not on existing parcels based without scientific study and reason to base them on individual's conditions.
- There are already setbacks—do not like taking away private property rights.
- Arsenic heavy metals pollution does not necessarily come from a human's house with current DEQ regulations.

- No, the talks talk about riparian protection, riparian areas and defined as floodplain & riparian areas. These are protected by fod?? (Federal?)___ law, therefore setbacks are not needed.
- It is infringing on the rights of existing homes.
- No one has a right if something happens to your home to not let you rebuild in the same location, or add on
- There are "natural" setbacks and regulation s in place that currently protect water and stream quality. We can legislate ourselves into unreasonable restrictions.
- No. Rebuilding in case of fire. We need zoning on new construction.
- Not enough information and science to support specific restrictions
- No for current development. They should be grandfathered. Use mitigators such as permits with scientific inputs.
- Science or not will setbacks interfere with private land.
- No—until I learn more about the proposed ordinance and the ??scr…is?? involved with proposed setbacks
- Madison has very limited floodplains, which are already covered by sewer regulations (100' from water)
- Water quality protected by existing sewer regulations, which only applies to houses; not other sources (agriculture)
- Need more study
- No deficits on the river; one size does not fit all; setbacks don't effect ag. use; steady flow of river; do? (no?) evidence of impairment of wild life

Alternate Question 2 (one small group revised the #2 question)--**Did the scientific information presented tonight convince you that setbacks would be an effective tool to help near stream development?**

YES--

- Protect riparian habitat to a reasonable depth from stream
- Human impact needs to be mitigated
- Because of the interconnectivity of rivers and streams and riparian areas
- The impacts proximate to streams are more expensive to fix than avoid.
- To keep the rivers and streams from getting polluted and eroded
- Arbitrary setbacks, i.e. 500' should be mitigated considering topography, potential degradation, wildlife, etc. relative to the goals of river protection
- Setback – yes, but depending on amount of property on flood zone

NO—

- Setbacks should include flood zones
- Not on existing parcels based without scientific study and reason to base them on individual conditions
- The

One group addressed the following question--<u>What are we protecting?</u>

1. There's no issue in the upper Madison so what are we protecting? Viewshed? (4)

1.5. Setback variable upon amount of land involved. Impact depends upon total acreage involved (creeks vs. rivers)

2. Yes, if science says its flood zone. (4) Most riparian are in flood zone. If you protect flood zone, you protect riparian. The Madison is different back of the dams.
3. Include Roads and Buildings. (4)
4. Study on drift boats and impact on river. 2 toilet facilities being installed.
5. Crude & relatively effective and inexpensive but Mad. County can't afford anything else for case-by-case setbacks. (Crude by helpful.)
6. Protect habitat and vegetation…if you protect vegetation, you will indirectly "solve" other problems and the viewshed question. (1) ??? What the measurement….???
7. Historical habitation. (1)

Questions posed in one group:

- How much analysis can we afford?
- How many lots are there where couldn't' build at all?